

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 78 be amended to read as follows:

- 1 Page 4, line 31, delete "fee" and insert "**amount**".
- 2 Page 4, line 31, delete "section" and insert "**sections**".
- 3 Page 4, line 31, after "4" insert "**and 5**".
- 4 Page 4, line 41, delete "a fee" and insert "**an amount**".
- 5 Page 5, line 4, delete "fee" and insert "**amount**".
- 6 Page 5, between lines 10 and 11, begin a new paragraph and insert:
- 7 "SECTION 7. IC 22-2-8-5 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2005]: **Sec. 5. (a) Upon termination of an employment**
- 10 **relationship, the employer may deduct from the final paycheck of**
- 11 **the employee the following amounts:**
- 12 (1) **An amount allowed as an assignment under IC 22-2-6-2(b).**
- 13 (2) **An amount representing the reasonable and agreed upon**
- 14 **replacement value for uniforms, tools, durable equipment, or**
- 15 **security devices, or a combination of those items, which were**
- 16 **provided by the employer at no cost to the employee for use**
- 17 **while the employee was performing duties for the employer**
- 18 **when:**
- 19 (A) **the employee has signed for receipt of the items at the**
- 20 **time of possession;**
- 21 (B) **the signed receipt clearly and plainly states the**
- 22 **replacement value of the items; and**
- 23 (C) **the employee failed to return the items to the employer**
- 24 **after termination of the employment relationship.**
- 25 (b) **An employer that deducts an amount as permitted under**
- 26 **subsection (a) shall provide the employee a written notice itemizing**
- 27 **the amounts deducted:**
- 28 (1) **upon issuance of; or**
- 29 (2) **if no final paycheck is due because of a remaining balance**
- 30 **of items not returned to the employer, instead of;**
- 31 **the final paycheck.**

1       (c) If the employee returns an item for which a deduction has  
2       been made under subsection (a) within fourteen (14) days after  
3       receiving the written notice required by subsection (b), the  
4       employer shall:

5           (1) issue payment to the employee for the amount deducted  
6           corresponding to the item; or

7           (2) provide a written notice of the recomputed outstanding  
8           amount due to the employer from the employee if no final  
9           paycheck is due because of a remaining balance of items not  
10          returned to the employer.

11       Payment due under this subsection shall be issued by the employer  
12       to the employee not later than twenty-one (21) days after the  
13       issuance of the final paycheck."

14       Page 5, line 26, delete "IC 22-2-8-4," and insert "IC 22-2-8-4 and  
15       IC 22-2-8-5, both".

16       Page 5, line 27, delete "applies" and insert "apply".

17       Re-number all SECTIONS consecutively.

(Reference is to SB 78 as printed January 19, 2005.)

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Senator SIMPSON